

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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AETC II PRIVATIZED HOUSING, LLC,	)	
et al.,	)	Nos. 22-345C; 22-346C; 22-348C;
	)	22-349C; 22-350C; 22-351C;
Plaintiffs,	)	22-352C; 22-353C; 22-354C;
	)	22-355C; 22-356C; 22-357C;
v.	)	22-358C; 22-359C; 22-360C;
	)	22-361C; 22-362C; 22-363C
THE UNITED STATES OF AMERICA,	)	
	)	Senior Judge Horn
Defendant.	)	
	)	

## **DEFENDANT'S CONSENT MOTION FOR ENLARGEMENT**

Defendant, the United States, respectfully requests a 21-day enlargement of time, to and including June 21, 2022, to file responses to the 18 complaints, consolidated in the above-captioned case. Defendant's motions to dismiss are currently due May 19, 2022. This is the defendant's first request for enlargement for this purpose. Consolidated plaintiffs consent to this motion.

Good cause exists to grant this motion. On or about April 11, 2022, undersigned counsel was assigned 18 cases alleging that statutory reductions in service members' Basic Allowance for Housing (BAH) breached various 50-year contracts governing the renovation and construction of privatized military housing throughout the United States. *See AETC II Privatized Housing, LLC, et al. v. United States*, No. 22-345 (seeking \$2,030,609 in damages related to housing at six Air Force bases in Mississippi, Texas, Alabama, and Oklahoma); *Air Force Academy Military Communities, LLC v. United States*, No. 22-346 (seeking \$450,729 in damages related to housing at one Air Force base in Colorado); *Hunt Southern Group, LLC v. United States*, No. 22-348 (seeking \$2,630,025 in damages related to housing at four Air Force bases in Mississippi, South Carolina, and Tennessee); *BLB Privatized Housing, LLC v. United*

*States*, No. 22-349 (seeking \$4,686,702 in damages related to housing at three Air Force bases in Louisiana, Virginia, and the District of Columbia); *Buckley Family Housing, LLC v. United States*, No. 22-350 (seeking \$578,990 in damages related to housing at one Air Force base in Colorado); *Dover Air Force Base Properties, LLC v. United States*, No. 22-352 (seeking \$179,325 in damages related to housing at one Air Force base in Delaware); *Kirtland Family Housing, LLC v. United States*, No. 22-355 (seeking \$624,273 in damages related to housing at one Air Force base in New Mexico); *Nellis Air Force Base Properties, LLC v. United States*, No. 22-358 (seeking \$1,538,164 in damages related to housing at one Air Force base in Nevada); *Robins Air Force Base Properties II, LLC, et al. v. United States*, No. 22-361 (seeking \$190,471 in damages related to housing at one Air Force base in Georgia); *Scott Air Force Base Properties, LLC v. United States*, No. 22-362 (seeking \$1,741,701 in damages related to housing at one Air Force base in Illinois); *The Properties At Wright Field, LLC v. United States*, No. 22-363 (seeking \$1,060,073 in damages related to housing at one Air Force base in Ohio); *Hampton Roads PPV, LLC, et al. v. United States*, No. 22-354 (seeking \$5,173,170 in damages related to housing at one Naval base in Virginia); *De Luz Housing, LLC, et al. v. United States*, No. 22-351 (seeking \$1,747,848 in damages related to housing at one Marine Corps base in California); *Midwest Family Housing, LLC, et al. v. United States*, No. 22-356 (seeking \$510,021 in damages related to housing at three Naval bases in Illinois, Indiana, and Tennessee); *Pacific Northwest Communities, LLC, et al. v. United States*, No. 22-357 (seeking \$5,815,921 in damages related to housing at one Naval base in Washington); *Ohana Military Communities, LLC, et al. v. United States*, No. 22-359 (seeking \$12,142,449 in damages related to housing at one Naval base in Hawaii); *Fort Lee Commonwealth Communities, LLC, et al. v. United States*, No. 22-353 (seeking 2,001,173 in damages related to housing at one Army base in Virginia); and *Redstone*

*Communities, LLC, et al. v. United States*, No. 22-360 (seeking \$45,018 in damages related to housing at one Army base in Alabama) (collectively the BAH cases).

These lawsuits raise claims similar to those in *Aurora Military Housing, LLC, et al. v. United States*, No. 21-2182, which was filed on November 18, 2021 and seeks \$4,121,336 in damages related to housing at one Air Force base in Alaska. On February 25, 2022, undersigned counsel filed a motion to dismiss the *Aurora* complaint, which is currently pending before the Court.

On April 15, 2022, the BAH cases were consolidated, and the Court stayed briefing in *Aurora* and set an expedited briefing schedule in the new cases. Accordingly, the Government must file motions to dismiss all 18 complaints on or before May 19, 2022. *See, e.g.*, April 15, 2022 Order, *AETC II Privatized Housing, LLC, et al. v. United States*, No. 22-345, ECF No. 11. Given the number of complaints and the volume of documents comprising each contract, undersigned counsel must dedicate a significant amount of time to drafting an omnibus motion to dismiss, while coordinating a consistent defense across the United States Army, Navy, and Air Force.

Undersigned counsel has been diligently coordinating with each military branch to obtain the most recent versions of the contracts, while drafting an omnibus motion to dismiss. However, counsel is still awaiting documents in 5 cases and needs additional time to complete the motion and to submit the draft for supervisory and agency review.

A short enlargement is also required because counsel is engaged in other matters before this Court, the United States Court of Appeals for the Federal Circuit, and the United States Court of International Trade, including: *ACC Construction Company v. United States*, No. 21-1694 (conducted a page-by-page review of proposed redactions to a 21,466 page administrative

record and prepared a status report, filed April 28, 2022, explaining the basis for those redactions); *Thomas Creek Lumber and Log Co. v. United States*, No. 19-1742 (engaged in expert discovery, including drafting a contested motion for entry of a protective order); *Manitou Island Transit, LLC v. United States*, No. 21-953 (engaged in fact discovery, including drafting a motion to compel); *Debra Blackwell v. United States*, No. 21-01075 (engaged in fact discovery, including drafting responses to plaintiff's first set of interrogatories and requests for production, due June 13, 2022); *Schneider Electric Buildings Americas, Inc. v. United States*, No. 21-788 (engaged in fact discovery, including preparing for depositions scheduled May 20, 2022 through June 8, 2022); *Jacquana Williams v. Federal Bureau of Prisons*, Fed. Ct. No. 22-1575 (reviewing transcripts in underlying proceedings); *The Mosaic Company v. United States*, CIT Consol. No. 21-0117 (reviewing joint appendix, due May 17, 2022).

Based on the foregoing, the Government respectfully requests a 21-day enlargement of time, to and including June 21, 2022 to file its omnibus motion to dismiss.

Respectfully submitted,

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